

**SPECIAL CASE (POCSO) NO. 106/2026**

STATE OF MAHARASHTRA VR. SACHIN
(Applicant- Sachin Shaligram Waghmare)

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**ORDER BELOW EX.20.**

( Date : 15.06.2026)

Applicant Sachin Shaligram Waghmare has filed present application under S.503 of Bharatiya Nagarik Suraksha Sanhita, 2023 claiming custody of four wheeler Indica Vista Mint White Colour bearing registration No.MH30P3267, Chassis No. MAT6085319PJ78641, Engine No. 475IDT14JQZP93281 seized by the police in connection with crime No.196/2025 registered with Old City, Police Station, Tq., and Dist. Akola for the offences punishable under S.64, 64(2)(m), 69 of Bhartiya Nyay Sanhita, 2023.

2) Heard both sides. Investigating Officer has filed say at Ex.25 and strongly objected to allow the application.

3) Learned advocate for the applicant Shri G.M. Shaikh has submitted that applicant is the owner of the seized motorcycle. The applicant requires the said four wheeler for day to day work. He will abide by the conditions of the Court, if the vehicle is released to Sachin Shaligram Waghmare him. Ld. Special PP has submitted that if the vehicle is released, applicant may dispose it and may not produce at the time of trial.

4) The applicant has produced copies of Registration Certificate and Aadhar Card. Certificate of Registration prima facie shows ownership of the applicant over the vehicle. Moreover, applicant himself is accused in this case. He is now on bail. Though, the Investigating Officer has prayed for rejection of application, he has not specified any reason for its rejection. The reasons mentioned for rejection are general in nature. So, the applicant is entitled for custody of the vehicle.

5) In respect of the muddemal property in cases and particularly motor vehicles, the Hon'ble Supreme Court has laid down guidelines in the case of **Sundarbhai Desai vs. State of Gujarat, (2002) 10 SCC 283**. Motor vehicles should be released as early as possible to save them from rusting and loss of utility. No purpose will be served by keeping the vehicle idle and it would result in loss of value and utility. There is no incriminating evidence found on the four wheeler which warrants its detention. Hence, the four wheeler requires to be released to the applicant on suitable conditions. Therefore, I pass following order.

**ORDER**

- i] Application is allowed.
- ii] four wheeler Indica Vista Mint White Colour bearing registration No.MH30P3267, Chassis No. MAT6085319PJ78641, Engine No. 475IDT14JQZP93281, seized by the police in connection with crime No.196/2025 registered with Old City, Police Station, Tq., and Dist. Akola for the offences punishable under S.64, 64(2)(m), 69 of Bhartiya Nyay Sanhita, 2023 be given in custody of **applicant Sachin Shaligram Waghmare** on his executing **indemnity bond of Rs.4,00,000/- (Rupees Four Lac only)**.
- iii] Applicant not to alienate or create third party interest over the said vehicle till the conclusion of trial.
- iv] Applicant not to change the nature of vehicle and produce the same as and when required during the course of evidence.
- v] Investigation Officer/Police Station in-charge shall draw photographs and panchanama of the vehicle before delivering the same to the applicant and report compliance.
- vi] Inform the concerned Police Station accordingly.

[ **D.P. Satawalekar** ]

Date:- 15.06.2026.

Special Judge, POCSO, Akola.